

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
EMELIKE NWOSUOCHA, :

Plaintiff, :

v. :

DONALD MCKINLEY GLOVER, II, et al., :

Defendants. :

1:21-cv-04047 (VM)

NOTICE OF MOTION

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PLEASE TAKE NOTICE that upon this Notice of Motion, dated as of September 9, 2022, and the accompanying Declaration of Jonathan D. Davis, dated September 9, 2022, with exhibits, and the supporting memorandum of law, dated September 9, 2022, and upon all prior proceedings heretofore had herein, defendants, by their attorneys, Jonathan D. Davis, P.C., Pryor Cashman LLP, and Quinn Emanuel Urquhart & Sullivan LLP will move this Court, in accordance with the Order, dated June 22, 2022 (the “Order”), and Fed. R. Civ. P. 12(b)(6), before the Honorable Victor Marrero, at the United States District Courthouse, Courtroom 15B, 500 Pearl Street, New York, New York 10007, for an order: (1) dismissing the Complaint [Dkt. No. 1] because neither the musical composition “Made in America” (“Plaintiff’s Composition”), nor the music video embodying Plaintiff’s Composition, is registered with the United States Copyright Office, which is a prerequisite to filing a copyright claim; or, alternatively, (2) dismissing the copyright infringement claim for failure to adequately plead “access” or “substantial similarity” between Plaintiff’s Composition and “This is America.”

Answering declarations and memorandum of law, if any, shall be served in accordance with the Order.

Dated: As of September 9, 2022
New York, New York

JONATHAN D. DAVIS, P.C.

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